

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 215

July 23, 1996, 10:32 am
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WELFARE REFORM RECONCILIATION/Prospective Immigrant Reforms

SUBJECT: Personal Responsibility and Work Opportunity Act of 1996 . . . S. 1956. Feinstein motion to waive the Budget Act for the consideration of the Feinstein/Boxer amendment No. 4929.

ACTION: MOTION REJECTED, 46-52

SYNOPSIS: As reported, S. 1956, the Personal Responsibility and Work Opportunity Act of 1996, will enact major welfare reforms. The Aid to Families with Dependent Children (AFDC) program will be replaced with a new Temporary Assistance for Needy Families (TANF) block grant to the States. The TANF block grant will be capped through 2001. Time limits will be placed on individuals receiving TANF benefits. Overall, the growth in non-Medicaid welfare spending will be slowed to 4.3 percent annually. The bill originally included major Medicaid reforms, but most of those provisions were stricken when the bill was reported. Without those Medicaid reforms, welfare spending will still be reduced by \$61.4 billion over 6 years.

The Feinstein/Boxer amendment would make the bill provisions to limit immigrants' eligibility to receive welfare benefits prospective only. Immigrants who were already in the country and were on welfare, despite the fact that a condition of entry for most immigrants is that they must never go on welfare (which is unenforceable), and despite the fact that receiving welfare is a deportable offense (though virtually unenforceable), would be allowed to continue receiving welfare. Additionally, the deeming requirements would be made prospective only. This amendment would result in additional Federal welfare payments to legal immigrants of between \$10 billion and \$12 billion over the next 6 years. (Bill reforms relating to immigration, which will result in \$18.1 billion in savings, include the following: illegal immigrants will be ineligible for all State and local public benefits, with limited exceptions; legal permanent residents currently in the United States will be ineligible for Supplemental Security Income (SSI) benefits and Food Stamps until they attain citizenship; States, at their option, will be allowed to restrict cash welfare benefits, Medicaid, and Title XX benefits; legal permanent residents who arrive after the date of enactment will be ineligible for SSI, Food Stamps, cash welfare, Medicaid, and Title XX Social Services benefits for their first 5 years in the United States, though they will be eligible for emergency medical services, noncash disaster assistance, school lunch and child nutrition benefits, immunizations, foster care and adoption payments, public safety services, and higher education grants and loans; for immigrants who have sponsors (sponsors sign affidavits

(See other side)

YEAS (46)			NAYS (52)			NOT VOTING (2)	
Republicans (5 or 10%)	Democrats (41 or 89%)		Republicans (47 or 90%)	Democrats (5 or 11%)		Republicans (1)	Democrats (1)
Chafee	Akaka	Johnston	Abraham	Hatfield	Baucus	Kassebaum- ⁴	Inouye- ²
Cohen	Biden	Kennedy	Ashcroft	Helms	Byrd		
Mack	Bingaman	Kerrey	Bennett	Hutchison	Exon		
Snowe	Boxer	Kerry	Bond	Inhofe	Nunn		
Specter	Bradley	Kohl	Brown	Jeffords	Robb		
	Breaux	Lautenberg	Burns	Kempthorne			
	Bryan	Leahy	Campbell	Kyl			
	Bumpers	Levin	Coats	Lott			
	Conrad	Lieberman	Cochran	Lugar			
	Daschle	Mikulski	Coverdell	McCain			
	Dodd	Moseley-Braun	Craig	McConnell			
	Dorgan	Moynihan	D'Amato	Murkowski			
	Feingold	Murray	DeWine	Nickles			
	Feinstein	Pell	Domenici	Pressler			
	Ford	Pryor	Faircloth	Roth			
	Glenn	Reid	Frahm	Santorum			
	Graham	Rockefeller	Frist	Shelby			
	Harkin	Sarbanes	Gorton	Simpson			
	Heflin	Simon	Gramm	Smith			
	Hollings	Wellstone	Grams	Stevens			
		Wyden	Grassley	Thomas			
			Gregg	Thompson			
			Hatch	Thurmond			
				Warner			

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

of support saying that they guarantee that those immigrants will never become public charges), the income and resources of those sponsors will be deemed to be their income and resources when determining their eligibility for means-tested welfare benefits, with limited exceptions; deeming will extend until citizenship or until an immigrant has worked 10 years in the United States.)

Following debate, Senator Santorum raised a point of order that the amendment violated the Budget Act because it reduced outlay savings below the level required without providing for any offsets. Senator Feinstein then moved to waive the Budget Act for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

NOTE: A three-fifths majority (60) vote of the Senate is required to waive the Budget Act. Following the failure of the motion to waive, the point of order was upheld and the amendment thus fell.

Those favoring the motion to waive contended:

The Feinstein/Boxer amendment offers a fair solution to the problem of too many immigrants going on welfare. Instead of saying that from now on, the right of all immigrants past and present to receive welfare will be strictly limited, the Feinstein/Boxer amendment would say that only the right of future immigrants to receive means-tested benefits would be severely limited. Changing the rules in the middle of the game for those immigrants who are already here is unfair to them. This action will not only be unfair for those immigrants; it will be also devastating to those few States that have the majority of legal immigrants. California, with 52 percent of all the legal immigrants in the country, will be especially hurt. In Los Angeles County, for example, 93,000 people will be thrown off of SSI and 190,313 will be thrown off of AFDC. In total, 400,000 to 500,000 people in this one county will be affected. Huge pressures will be put on local governments to pick up the bill, but they will not be able to afford to. We predict that this measure will cause chaos, not only in California, but also in Texas, Florida, New York, Illinois, and New Jersey. These States do not deserve to be treated so unjustly. They did not invite these immigrants; they were brought in by the Federal Government. In fairness to the States, and in fairness to immigrants who are already in the United States, we urge the adoption of this amendment.

Those opposing the motion to waive contended:

People who entered the country on the promise that they would not become public charges should not be allowed to continue breaking that promise just because we have so far allowed them to get away with doing so. In most cases, and especially with SSI, we are talking about sponsored immigrants. Sponsors, by definition, must have assets sufficient to be able to provide an affidavit of support. They have, by definition, the resources and income necessary to take care of the people they sponsor, if need be, to make sure that they do not become public charges. Right now our welfare system is being used as a retirement system. Families with plenty of income are sponsoring their parents, and as soon as they get in the country they sign up for SSI, which they qualify for because they are old, which in turn qualifies them for Medicaid, which in turn qualifies them for food stamps, which in turn qualifies them for a whole variety of other programs. This system is an outrage. Those families should take care of their parents instead of putting them on welfare. Immigrants who were not sponsored also promised that they would never become public charges. Such immigrants are not let in unless they can demonstrate that they are capable of supporting themselves; they have assets or skills that will enable them to make a positive contribution to America. If they become public charges, by law they are deportable. The only other immigrants in this country are refugees, asylees, and parolees. These people are let into the country for humanitarian reasons and are often unable to support themselves. Therefore, this bill will let them enroll on welfare for 5 years. Some of these people, of course, are truly unable to work due to age or infirmity, but after 5 years they will be able to become citizens and continue receiving welfare benefits. As for the claim that this bill will hurt the States, we note that the Congressional Budget Office estimates that, "On balance, spending by State and local governments on federally mandated activities could be reduced by billions of dollars over the next 5 years as a result of the enactment of this bill." Our colleagues disagree. They assume that when this law goes into effect counties will start footing the bill even without any mandates. We certainly hope not. The Statute of Liberty calls on the world to send the United States its tired, its hungry, and its poor, but it does not say to send them so that the United States can sign them up on welfare. We know that there are some hardship cases, and we are willing to discuss exceptions for them. However, we should not spend an extra \$10 billion to \$12 billion on everyone else as proposed by this amendment. There is nothing new about the provisions on immigrants in this bill. They were in H.R. 4 as it passed the Senate last year, and they were in the Daschle substitute amendment. There is wide, bipartisan agreement that these changes should be made. We therefore are confident that the Feinstein/Boxer amendment will be rejected.